

Message Text

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TAGS: CPRS PDIP TH US

SUBJECT: THAI-U.S. EXTRADITION TREATY

REF: BANGKOK 13610

1. ART II, PARA (3) IS A FEDERAL CLAUSE DESIGNED TO ENSURE THAT A VIOLATION OF THE (U.S.) FEDERAL CRIMINAL CODE WILL BE CONSIDERED AN EXTRADITABLE OFFENSE. SUCH FEDERAL CRIMES REQUIRE AN ADDITIONAL ELEMENT TO SATISFY THE COMMERCE CLAUSE OF THE CONSTITUTION. FOR EXAMPLE, MANY FEDERAL CRIMINAL CODE SECTIONS REQUIRE A JURISDICTIONAL ELEMENT OF THE CRIME,(TRANSPORTATION IN INTERSTATE OR FOREIGN COMMERCE), TOGETHER WITH A SUBSTANTIVE ELEMENT (E.G. A THEFT, A KIDNAPPING, ETC.). ART. II, PARA 3 WOULD, FOR EXAMPLE, REQUIRE THAT THAILAND EXTRADITE TO THE U.S. AN INDIVIDUAL CHARGED WITH THE ILLEGAL USE OF THE WIRES AS A FRAUD CRIME. THIS TOPIC IS GENERALLY DISCUSSED AT VOLUME 6 OF WHITEMAN DIGEST OF INTERNATIONAL LAW AT
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P. 790.

2. AN EXAMPLE OF WHERE AN EXTRADITION "FOUNDERED" BUT FOR A PROVISION SIMILAR TO ART. II, PARA 3, WAS THE VESCO CASE (THE BAHAMAS). THE GOVERNMENT THERE DID NOT INTERPRET ILLEGAL USE OF THE WIRES AS A FRAUD WITHIN THE MEANING OF THE TREATY.

3. ART. II, PARA 3, IS AN IMPORTANT PROVISION THAT
SHOULD BE MAINTAINED.

4. ARTICLE IX. THAI OFFICIALS MAY BE TOLD THAT THERE
ARE BASICALLY NO CHARGES FOR LEGAL SERVICES RENDERED BY
THE U.S. ON BEHALF OF THAILAND. THESE SERVICES INCLUDE
COSTS OF INCARCERATION. HOWEVER, THE USG WILL NOT BE
RESPONSIBLE FOR THE COSTS OF TRANSLATIONS OF DOCUMENTS
INTO ENGLISH OR THE COSTS OF TRANSPORTING A FUGITIVE
FROM THE U.S. TO THAILAND. VANCE

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